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10/092,685	03/07/2002	Shin Chai Mark Lin	2002P03667 US	3816

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER

DABNEY, PHYLESHA LARVINIA

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHIN CHAI MARK LIN

Appeal 2009-006864
Application 10/092,685
Technology Center 2600

Decided: December 10, 2009

Before KENNETH W. HAIRSTON, JOHN C. MARTIN,
and CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the non-final rejection of claims 1 to 12.

The disclosed invention relates to an electrical programming contact assembly for a faceplate of a hearing instrument. The contact assembly is

partially affixed to the faceplate, and it is generally adjacent to and conforms to the contour of a door for the hearing instrument battery (Figs. 1, 2; Spec. 2 to 4; Abstract).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A modular assembly for a hearing instrument, comprising:
a faceplate;
a battery door in the faceplate; and
an electrical programming contact assembly partially affixed to the faceplate and generally adjacent and conforming to the contour of the battery door, where the electrical programming contact assembly is partially embedded in the faceplate.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Robinson	US 6,678,386 B2	Jan. 13, 2004 (filed Mar. 13, 2000)
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The Examiner rejected claims 1 to 12 under 35 U.S.C. § 102(e) based upon the teachings of Robinson.

The Examiner contends (Non-Final Rej. 3¹) that “Robinson teaches a modular assembly for a hearing instrument comprising: a faceplate (10), a battery door (101, 140) in the faceplate; and an electrical programming contact assembly (200-220, 300-340; fig. 2-4) partially affixed to the faceplate and generally adjacent and conforming to the contour of the battery

¹ See Office Action mailed November 1, 2007.

door, where the electrical programming contact assembly is partially embedded in the faceplate.” In response, Appellant argues:

Due to the manner of attachment, the battery door 101 in Robinson et al. remains on the outside surface of the faceplate 10, and is generally coplanar with the surface of the faceplate 10 (see Figure 1), while the electrical leads 320 are contained in a detachable, discrete module 300 positioned in a slot 220 in the faceplate 10, in an orientation perpendicular to and beneath the surface of the faceplate 10. Thus, the electrical leads 320 of Robinson et al. cannot be adjacent nor can they conform to the contour of the battery door 101.

(App. Br. 10).

In Robinson, the battery door 101 and the “electrical programming contact assembly (200-220, 300-340; fig. 2-4)” are located on completely opposite surfaces of the faceplate 10. Thus, we agree with Appellant’s argument that “the electrical leads 320 of Robinson et al. cannot be adjacent nor can they conform to the contour of the battery door 101” (App. Br. 10).

In summary, the anticipation rejection of claims 1 to 12 is reversed because each and every limitation in the claims is not found either expressly or inherently in the cited reference to Robinson. *In re Crish*, 393 F.3d 1253, 1256 (Fed. Cir. 2004).

Appeal 2009-006864
Application 10/092,685

The decision of the Examiner is reversed.

REVERSED

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